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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,819	11/20/2000	Alfred D. Ducharme	C1104 7061	9031

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EXAMINER

LEE, Y MY QUACH

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 07/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,819

Applicant(s)

DUCCHARME ET AL.

Examiner

Y QUACH LEE

Group Art Unit

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— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 11/20/2000
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 to 85 is/are pending in the application.
- Of the above claim(s) 24 and 34 to 65 is/are withdrawn from consideration.
- ☒ Claim(s) 25 to 30, 66 to 73, 77, 78, 83 and 85 is/are allowed.
- ☒ Claim(s) 1 to 14, 17 to 22, 31 to 33, 74 to 76, 79, 80 to 82 and 84 is/are rejected.
- ☒ Claim(s) 15, 16 and 23 is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 11/20/00 is/are objected to by the Examiner
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2, 4, 5, 12-14 ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

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DETAILED ACTION

Election/Restrictions

1. Claims 24 and 34 to 65 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Election was made **without** traverse in Paper No. 11.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference sign "2008" as mentioned on line 10 of page 56 in the description. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: The reference numeral "350" is used for two separate elements, "a mounting" on line 21 of page 18, and "the data connection" on line 19 of page 20. The reference numeral "364" is used for two separate elements, "the lighting fixture" on lines 18 to 19 of page 21, and "conductive sleeves" on lines 2 to 3 of page 22. Appropriate correction is required.

Claim Objections

4. Claims 4, 8 and 66 are objected to because of the following informalities: In claims 4 and 8, there is no ending period. In claim 66, line 4, there is a typographical error such as the expression ".". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 19, 31 to 33, 74 to 76, 79, 80 to 82 and 84 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10, it is not clear what is meant by "said at least two different spectrums comprises exactly three different spectrums"?

In claim 31, there is no clear antecedent basis for "said housing". The limitation "said housing is at least partially at least one of transparent or translucent" is not clear.

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In claim 32, the term "said lamp" lacks a clear antecedent basis. It is not clear what is "said lamp" referred to?

In claim 33, it is not clear how can the lighting fixture produce white light in view of the lighting fixture recites in the preamble only.

In claim 74, it is not clear how can the lighting fixture produce the particular color temperature in view of the lighting fixture recites in the preamble only.

In claims 75 and 76, it is not clear what is meant by the CRI of the lighting fixture in view of the lighting fixture recites in the preamble only.

In claim 79, there is no clear antecedent basis for "said LED".

In claim 80, lines 7 to 8, the language "said resulting spectrum does not have a valley at a longer wavelength" and "the maximum spectral peak within the photopic response of the human eye" is understood. However, the term "than" in between the above language is not understood and thereby renders the language on lines 7 to 8 not clear.

In claim 82, lines 1 to 3, "said resulting spectrum does not have a valley at a longer wavelength" and "the maximum spectral peak in the area from 400 nm to 700 nm" is understood. However, the term "than" in between the above language is not understood and thereby renders the language on lines 1 to 3 not clear.

In claim 84, there is no clear antecedent basis for "said range of color temperatures".

Claim 81 depends on rejected claim 80 and as such is also rejected.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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7. Claims 1 to 11 and 17 to 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Borner et al. (6,234,648, prior art cited by applicant).

Borner et al. show a lighting fixture having a plurality of component illumination sources (6, 6', 7, 7', 8, 8', 10, ...), the plurality of illumination sources including illumination sources such as LEDs (6, 6', 7, 7' ...) producing electromagnetic radiation of at least two different spectrums (blue and red), each of the spectrums having a maximum spectral peak outside the region 510 nm to 570 nm (column 5, lines 10 to 13), a mounting (3, 5) holding the illumination sources and designed to allow the spectrums of the illumination sources to mix and form a resulting spectrum which would inherently be continued within the photopic response of the human eye such as in a range from 400 nm to 700 nm in view of the illumination sources are from 430 nm to 490 nm and from 590 nm to 630 nm ..., and a controller (figure 4) enabling a particular color temperature within the range of color temperatures to be selected and to have the lighting fixture producing the particular color temperature. Borner et al. also show that at least one illumination source is not an LED and has a maximum spectral peak within the region 510 nm to 570 nm (column 5, line 27). Borner et al. further show that the white light can be generated at a color temperature within a preselected range of color temperatures extending from above 500K to about 10,000K (column 4, lines 31 to 32). Borner et al. furthermore show that the range of color temperatures can extend from about 2300K to about 4500K since the color temperature can be readily adjusted in a very wide range by changing the distribution of the illumination sources (column 6, lines 33 to 35). Borner et al. also show three different spectrums (blue, red and green, column 5, lines 9, 11 and 26).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 2 and 12 to 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Turnbull et al. (5,803,579, prior art cited by applicant).

Turnbull et al. show a lighting fixture having a plurality of component illumination sources, the plurality of illumination sources including illumination sources such as LEDs (14,

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16) producing electromagnetic radiation of at least two different spectrums (column 15, lines 63 to 66), each of the spectrums having a maximum spectral peak outside the region 510 nm to 570 nm (column 15, lines 65 to 66), a mounting (19) holding the illumination sources and designed to allow the spectrums of the illumination sources to mix and form a resulting spectrum which would inherently be continued within the photopic response of the human eye such as in a range from 400 nm to 700 nm in view of the illumination sources are from 488 nm and 592 nm, and a filter (29) effecting the spectrum of the illumination sources and selected from different filters (column 14, lines 28 to 30) to allow the lighting fixture to produce a preselected range of color (column 14, lines 19 to 20, 32 to 33).

10. Claims 15, 16 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 31 to 33, 74 to 76 and 79 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. Claims 25 to 30, 66 to 73, 77, 78, 83 and 85 are allowable over the prior art of record.


13. Claims 80 to 82 and 84 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 703-308-1939. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Y. Q.
June 27, 2002


Y Quach Lee
Patent Examiner
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